

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:09-cr-00026-MR-11**

**UNITED STATES OF AMERICA,**

**vs.**

**JUDY NICOLE SPARKS.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's motion for copies of transcripts and other pleadings [Doc. 479] and the Defendant's motion to proceed *in forma pauperis* [Doc. 480].

In her motion [Doc. 479], the Defendants requests copies of her plea agreement [Doc. 165], the Government's Notice filed June 18, 2009 of its intent to disclose and use electronic surveillance in court proceedings [Doc. 182]; and the Government's Motion for Downward Departure [Doc. 300]. The Defendant also requests, at the Government's expense, copies of the transcripts of her plea hearing and sentencing hearing; "all her discovery"; and a copy of her Presentence Report. [Doc. 479].

The Defendant currently has no motions pending before the Court and has failed to demonstrate a particularized need for the requested

transcripts and other documents. See United States v. MacCollom, 426 U.S. 317, 326-27, 96 S.Ct. 2086, 48 L.Ed.2d 666 (1976) (holding that federal inmates are not entitled to transcripts at Government expense absent some showing of a particularized need); Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152 (4th Cir. 1972) (“[A]n indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.”) (citation omitted); United States v. Velasquez, No. 5:10-CR-00042, 2012 WL 3307264, at 1 (W.D.N.C. Aug. 13, 2012) (Voorhees, J.) (holding that a copy of presentence report may be obtained from the district court only upon a showing of particularized need) (citing United States v. Williams, No. 88-7340, 1989 WL 152422, at \*2 (4<sup>th</sup> Cir. Dec. 11, 1989)).

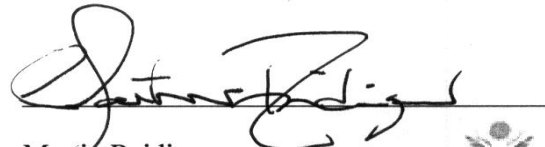
The Defendant was sentenced in March 2010 and no direct appeal was filed. Further, there are currently no post-conviction proceedings pending before the Court. Having failed to show any particularized need, the Defendant is not entitled to receive the requested documents.

**IT IS, THEREFORE, ORDERED** that the Defendant’s motion for copies of transcripts and other pleadings [Doc. 479] is hereby **DENIED**.

**IT IS FURTHER ORDERED** that the Defendant's motion to proceed *in forma pauperis* [Doc. 480] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: February 28, 2013

  
Martin Reidinger  
United States District Judge

